Conservation Security Program Comments
ATTN: David McKay
NRCS Conservation Operations Division
P.O. Box 2890
Washington, DC 20013

364

I am writing to suggest important changes to the USDA s proposed rules for the operation of the Conservation Security Program (CSP). I support the CSP as a nationwide conservation program focused on working farmlands and which would reward the best, and motivate the rest. As intended by Congress, the CSP should be open to all farmers in the U.S. practicing effective conservation.

First, USDA should issue a supplement to the rule, which would be open for public comment for 30 days. This should be done immediately to fix major problems with the proposed rules issued on January 2, 2004, which are not consistent with the law authorizing the CSP nor with the funding allocated by Congress making CSP an uncapped national entitlement program.

In addition,

1. USDA s preferred approach in the proposed rule would severely and unnecessarily prevent most farmers from gaining access to the CSP. USDA must adhere to the law, and to the recently appropriated full funding of CSP by Congress, and make CSP available nationwide to all farmers practicing effective conservation. The USDA needs to get rid of the idea of restricting sign-up for CSP to a few selected watersheds and undefined categories.

2. The USDA s proposed rules fail to make anywhere close to adequate payments for environmental benefits being produced by farmers currently practicing effective conservation. The best way to secure the vital conservation of our soil and other resources is to recognize and reward it when and where it is being done. Paying the best practitioners for results is sound economics and smart policy, providing both reward and motivation. CSP base payments should be set at the local rental rates based on land capability without the 90% reduction proposed by USDA. Enhanced payments should reward the most environmentally-beneficial systems and to the maximum extent possible pay for results. The enhanced payments should not be treated as cost-share but rather as real bonuses to reward exceptional performance.

3. CSP needs to recognize and reward resource-conserving crop rotations and managed rotational grazing as proven conservation farming systems that deliver environmental benefits to society. Both are specifically mentioned for enhanced payments in the CSP statute. The final rule should highlight substantial enhancement payments for these systems, as well as payments for management of existing practices.

4. USDA should not penalize farmers for shifting former cropland to pasture as part of a managed grazing system. Former or potential cropland that is pastured and put into a managed rotational grazing system must receive equal payment rates to other cropland, and not the lower rate of pastureland. The rules should establish base payments based on NRCS land capability classes, not current land use.

5. CSP should allow farmers with USDA-approved organic certification plans under the National Organic Program to simultaneously certify under both the National Organic Program and CSP, if they meet the standards of both. No need to tie farmers up in red tape.

Sincerely,

Clarence Nelson
601 Adams NE
Nyles MN 55413

(Additional comments on back)

Additional Comments:

1. NRCS is seeking comments on the idea of a one-producer, one-contract approach to CSP contracts, as a way to provide the fairest treatment of all producers and to guard against program fraud and abuse. Do you agree with this approach? Do you agree that all CSP payments should also be attributed to real persons (not various corporate or business entities)? And do you agree that the payment limits set in the law ($20,000 per year for Tier 1, $35,000 per year for Tier 2, and $45,000 per year for Tier 3) should be maintained?

2. NRCS is proposing that CSP contracts in general not be renewable, except in special circumstances. The law, on the other hand, leaves it up to the farmer to decide if he or she wants to renew the contract, and USDA would renew unless the farmer was not fulfilling the contract. Do you agree that CSP contracts should be renewable, as part of an ongoing program, and not limited to one-time contracts?

3. Your additional comments on CSP and the USDA s proposed rules:

Name (if not signed on front): _____

Conservation Security Program Comments February 18th 2004

My comments are mainly based off of the thirteen-page summary of proposed rules dated Dec. 16 2003. I have read the entire 119 page rules provided to me by my District Conservationist as well. I will try to put a page number with my questions for a better explanation.

First, this program had the budget caps removed by the 04 Omnibus Budget as approved by congress restoring it to its original statutory intent, so the caps talked about in the rule should be removed.

This program should reward those that have done conservation practices already for many years. Not encourage those that have not to try to catch up by installing additional practices. There are enough funds for this already though EQIP, CCRP and state funds.

On page 3 NRCS Preferred Approach No. 2 Eligibility. Would waterways already under continuous CRP or buffer strips or headlands and in the land owners name be eligible for any benefit to the tenant? Not necessarily for money but just as part of the practices of conservation on the farm even though not paid for by the tenant when constructed. I think I understand that they would but am not sure from what is written on that page.

Also on that page in the last paragraph selected watersheds are talked about. CSP was written as a full national uncapped entitlement program and should not discriminate from anyone that is eligible no matter where his or her operation is located. There should not be any limitations such as the watershed only approach.

On this same matter I have talked to my State Conservation Chief and in my opinion he is not pushing the CSP. His attitude is that only those people that would qualify for Tier 3 should participate and he thinks no one will qualify at this level. He does not think it worth the time to sign up unless a farm would fit into Tier 3. NRCS wishing for failure of the program?

On page 4 Paragraph 3 my personal opinion is that all lands in the operation should meet the criteria for Tier 1 not just part. I like the statement that this program "should reward the best and motivate the rest" so the best should already have their whole operation at its conservation best at this point in time.

Page 5 number 5 Structure payments to ensure... Who will set Regional equity? I feel this should be a local working group. On a state level there is still too much variance with in a state much less the nation. Then final approval would come from the state committee. The national average for cash rent is also not favorable to me. The cash rent in my county and others in Illinois are much higher. Also in other parts of the country where specialty crops are grown they are much higher. These should be determined by a local working group for cash rent values and also local input for those areas of the

country that don't have cash rent to determine payment. Possibly NRCS is looking for rates so low that no one will participate in CSP. Again a way for the program to fail.

Page 8 1470.5 Many farms are a three to five year lease. Or are a one-year lease automatically renewable but no one that I know, or of the six leases that I have, does it state that the tenet has control for ten years. This is a major concern to me if I would ask for a ten-year commitment from the landowner. I think that it could be handled as FSA handles their contracts.

On page nine under this heading I like that the payment goes to the person that has a share and risk in the crop or livestock being produced on this operation. That is very important for cash rent farmers. I believe that this will clarify who gets the payments if they must show risk or actual income from the crop of livestock. This is also stated on page two of the Fact Sheet of Farm Bill 2002 conservation security program dated December 2003. It is not stated in the full 119-page rule and this bothers me. Which document will be the final rule? I would like to see this stated once and for all that the person or persons with a risk in what is being produced get the benefits of CSP. This is stated in both 1470.30 and 1470.5 but could still be defined better.

1470.21 on page 10 Can more land be entered into this contract if purchased or rented or would a new contract be needed for each new piece of land? This is also mentioned under 1470.25 on page 11.

As the rule is currently written it seems that NRCS is hopping the program will fail or have such low participation that they will not have to do any work for it. I think the program is workable and will allow more participants each year, as more money is available if the above changes are made before the final rule is written.

Jerry Snodgrass

Jerry Snodgrass
13501 N 1700 Ave.
Geneseo Illinois 61254
NACD Board Member, Illinois
Illinois Grain Farmer

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Sincerely,

Richard Holmquist

(Additional comments on back)

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3. Your additional comments on CSP and the USDA s proposed rules:

It would be good if the USDA could coop with organizations like The Food Alliance which we are a member of and provide some kind of cost share program.

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5. CSP should allow farmers with USDA-approved organic certification plans under the National Organic Program to simultaneously certify under both the National Organic Program and CSP, if they meet the standards of both. No need to tie farmers up in red tape.

6. NRCS should utilize the one-producer, one-contract approach to CSP contracts, as a way to provide the fairest treatment of all producers and to guard against program fraud and abuse. All CSP payments should be attributed to real persons (not various corporate or business entities). Payment limits set in the law

($20,000 per year for Tier 1, $35,000 per year for Tier 2, and $45,000 per year for Tier 3) must be maintained.

7. CSP contracts should be renewable, as part of an ongoing program, and not limited to one-time contracts. NRCS' proposal that CSP contracts in general not be renewable, except in special circumstances, conflicts with the law, which leaves it up to the farmer to decide if he or she wants to renew the contract, which USDA would renew unless the farmer was not fulfilling the contract. NRCS' proposed restriction to one-time contracts is contrary to the entire purpose of the CSP to secure ongoing conservation of our nation's national resources.

Additional Comments:

Signed:

Name: Nancy Jane Kerschner
City or Town, and state: Tiffin, Ohio 44883